

that made this possible. Let me also recognize the ranking member, Senator SHELBY, for his efforts to work in an incredibly positive, cooperative, and bipartisan manner that, in fact, created the ultimate result of a unanimous bipartisan vote, something we would love to see more of these days. It was his work, along with the chairman's, that got us to that point. I am glad to have been added to that as the subcommittee chair as well.

Millions of Americans take over 10 billion transit trips a year. It has taken over 2 years of hard work, and it is part of an overall bill that creates or saves 2 million jobs, but those trips and the jobs that get created by it and the opportunity of people to get to employment, to get to a hospital, to go see family and friends are incredibly important in the context of our national economy. At a time when job creation is essential, it invests in every State to keep us competitive as a nation in the global marketplace.

Under this legislation, for example, my home State of New Jersey stands to receive about \$519 million in Federal transit funding without any increase in Federal spending. This bill cuts waste and eliminates earmarks so New Jersey will see benefits from a \$63 million increase in transit funding, more transit funding than in any previous year. This bill invests in our infrastructure and improves public transportation without increasing the Federal budget, and it provides more funds to make the improvements they need to ease congestion and mitigate transportation delays. It is good for America because it will help communities concentrate on smart growth around transit hubs that mirror my Livable Communities Act and my State's Transit Village Program that will help make New Jersey attractive to businesses and a model job creation hub. It can do that for other communities throughout the Nation.

It is good because it is energy smart and increases competitive funding for clean fuel transit vehicles to help agencies to switch from dirty, expensive fuels to cleaner, cheaper fuels. It not only streamlines the process for Federal approval of new transit projects, but it will help upgrade older systems by adding a new station or another track or a bigger train car to increase capacity rather than having to build new systems from scratch.

It also includes a provision establishing a program to allow public transportation providers temporary flexibility during periods of high unemployment to use a limited portion of their Federal funds for up to 2 years, provided they meet the established criteria for operating expenses.

One last but perhaps most important thing the bill accomplishes is to provide for a strong Federal role in transit safety oversight by establishing a national public transportation safety plan to improve the safety of all public transportation systems that receive Federal funding.

Under this legislation, the Secretary will develop minimum performance standards for vehicles used in public transportation and establish a training program for Federal and State employees who conduct safety audits of public transportation systems. Fundamentally, this bill improves the effectiveness of State safety oversight agencies, increases Federal funding for safety, and provides new enforcement authority over public transportation safety to the Secretary of Transportation.

At the end of the day, making our transit system as safe as humanly possible in every State, from coast to coast, must be a national priority.

So let me conclude by saying, once again, thanks to Senators JOHNSON and SHELBY for their leadership over the last 2 years. I think the bill is a victory for every American community. It is a commonsense investment that will create jobs, keep this Nation competitive, and make our communities more productive, accessible, and livable. It is a victory for those who believe we can create jobs, get people back to work, and keep us on the cutting edge of the global economy.

So now we need to make sure we continue to reach across the aisle, as the chairman and the ranking member and I have done during this process, and get this investment in America's future to the President's desk and signed into law as soon as possible.

With that, I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:32 p.m., the Senate recessed until 12:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

#### NOMINATION OF ADALBERTO JOSE JORDAN TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT—Continued

The PRESIDING OFFICER. The Senator from Arizona.

##### ARIZONA'S CENTENNIAL CELEBRATION

Mr. KYL. Mr. President, I rise today to recognize an important milestone in our Nation's history.

On February 14, 1912, Arizona officially became the 48th member of these 50 United States. I am proud to salute my home State on this her centennial celebration.

Yes, we were the last of the contiguous 48 States to join, but we were certainly not the least of them. Today I would like to tell you just a little bit about why I say that is so.

Arizona is not the largest or the oldest member of the Union. It did not participate in the Revolutionary War. It does not border an ocean or one of the Great Lakes. The Declaration of Independence and the Constitution do not bear a single Arizonan signature.

Yet there is something about Arizona that is great, something that truly sets the Grand Canyon State apart from the rest. The Grand Canyon, of course, comes to mind.

I would like to quote one of America's most famous explorers, John Wesley Powell, who once said:

The wonders of the Grand Canyon cannot be adequately represented in symbols of speech, nor by speech itself. The resources of the graphic art are taxed beyond their powers in attempting to portray its features. Language and illustration combined must fail.

I agree. I have hiked the Grand Canyon. I have seen it from above, and I have seen it from below. Words literally cannot describe its power or its beauty. That is why every year millions of tourists come from all corners of our Nation and from across the Atlantic and the Pacific to experience the majesty we are fortunate enough to have right there in our own backyard.

But as big as it is, the Grand Canyon is just a small part of the Arizona story. There are the Sedona Red Rocks, the beautiful White Mountains, the Painted Desert, the Petrified Forest, Monument Valley, Saguaro National Park, the 12,000-foot San Francisco Peaks, and countless other natural wonders that span across our deserts and through our forests. There are almost 4,000 peaks and summits in our State alone.

Arizona is also home to manmade marvels, including innovative projects that have allowed much needed freshwater to flow to our communities. These include the Hoover Dam, the Glen Canyon Dam, the Central Arizona Project, the Salt River Project and its keystone element, and the Theodore Roosevelt Dam.

Arizonans share the land with owls, ocelots, and eagles, jaguars, lots of rattlesnakes, and falcons. Our landscape is foliated not just with agave and cacti but with majestic aspen, fir, and spruce and the largest Ponderosa pine forest in the world.

We are rich in natural resources. From an early age, all Arizonans learn about the State's five Cs: copper, cattle, cotton, citrus, and climate.

Copper. The mineral that attracted many Arizonans to our State in the first place has been used by American Indians in tool and weaponmaking for centuries. Today, Arizona produces more copper than every other State combined, and it is now being used to develop the alternative energy technologies and vehicles of tomorrow.

Cattle. Along with sheep and hogs, the ranching of cattle is deeply imprinted on our State's cowboy culture and continues to help drive our economy today.

Cotton. One of our most important cash crops at the turn of the last century, cotton is still an important industry in our State. This crop, including our very own Pima long-staple variety, is used to produce the clothing, fertilizer, fuel, and cooking oil used by millions of Americans every day.

Citrus. The harvesting of fruits such as lemons and oranges is one of the important elements of Arizona's agricultural industry, with a history that runs deep in our State. We now export about \$40 million in fruits and preparations every year.

Climate. Arizona mornings are warm and filled with sunshine, and our sunsets are the best anywhere. We may not always have a white Christmas, but we do have a booming tourism industry that attracts nearly 37 million—we call them snowbirds, conservationists, and adventurers—every year.

These five Cs, along with the natural treasures I mentioned earlier, are the physical expression of our State motto: "Ditat Deus" or "God Enriches." Because of this, Arizonans are fiercely protective of the ecological riches that exist around them.

We honor nature for its beauty, but we also respect it for its power. I do not need to tell you about Arizona's heat. Some of my colleagues in this Chamber are known to complain when it reaches 80 degrees in Washington. Well, we Arizonans start to get warm when the mercury hits 120. It gets cold at night too. In fact, Arizona can yield the Nation's highest and lowest temperatures in the very same day.

There are forest fires. Last summer, we saw the largest such fire in our history, the Wallow megafire, burn more than 840 square miles of our treasured landscape. But we have picked ourselves up, and we are rebuilding—just like we always do. The lessons we have learned from the Wallow fire will help us defend against similar megafires in the future.

Some of Arizona's forebears were the prospectors and the ranchers who gave up everything for a chance at a better life. Some were the adventurers and cowboys who thrived on freedom and danger. Some of us can trace our history directly back to the Spanish missionaries or to our longstanding dynamic Hispanic community that has so greatly influenced our distinctive culture and cuisine. Many of us are direct descendants of the very first Arizonans—the 21 great American Indian tribes who continue to teach us important lessons about working with rather than against the expansive natural beauty and danger that surrounds us.

These are Arizona's founding fathers. While each has influenced our State in a unique way, all share these common traits: a strong sense of independence and a willingness to persevere against the odds.

That is, I believe, one of the reasons Arizona has such outsized national influence compared to its relatively small size and population. Indeed, the fierce wind of independence that rolls across our desert landscape has propelled not one but two of our leaders to national political prominence in just the past few decades. We may not have had an Arizonan in the White House—yet—but there are few States that can boast a single 20th or 21st century

major party Presidential nominee, let alone two in our Barry Goldwater and JOHN MCCAIN.

My friends on the other side of the aisle will no doubt recall their very able Senate majority leader from Arizona, Ernest McFarland. They will also remember Representative Mo Udall and Senator Carl Hayden, who served an amazing 57 years in Congress, 42 of them in this Chamber alone. To put that into perspective, that is longer than Arizona's senior Senator and I have served in the Congress combined.

Our State has both nurtured and welcomed respected jurists such as William Rehnquist and Sandra Day O'Connor, world-renowned architects such as Frank Lloyd Wright, entertainers such as Waylon Jennings, Linda Ronstadt, and Glen Campbell—even Stephenie Meyer, author of the *Twilight* series. Also, of course, I would be remiss if I neglected Steven Spielberg. He, too, embraced Arizona's adventurous, entrepreneurial spirit, turning his teenage moviemaking hobby in Scottsdale and Phoenix into a multimillion-dollar Hollywood empire. Had he been raised in another State, one without our Arizona spirit, would the world have known classics today such as "ET" and "Jaws"? We may never know.

One thing we do know is that Arizona also gave rise to the Navajo Code Talkers. It is a shame more Americans are not aware of the talkers' incredible story. Their official Web site puts it this way:

It is a great American story that is still largely unknown—the story of a group of young Navajo men who answered the call of duty, who performed a service no one else could, and in the process became great warriors and patriots. Their unbreakable code saved thousands of lives and helped end World War II.

Their code, of course, was the Navajo language.

Some of those young men were simple sheepherders on Arizona's great Navajo reservation until our Nation called them to serve. They did so with honor. They became American heroes in the process. Without them, we may never have achieved victory in the Pacific theater, and I am proud to pay tribute to these warriors today. Arizona honors them, and every American owes the Code Talkers a debt of gratitude.

These are just some of the many reasons I am proud to call myself an Arizonian. I was not born in Arizona. I became one by choice, and it was one of the most consequential decisions I ever made. I came as a young man to attend the University of Arizona. There I met my wife Carol, and together we raised two children, both of whom I am proud to say learned their five Cs from a very early age. I have not left Arizona since my days at the University of Arizona, nor do I think I ever would or could. There is something about the beauty that surrounds, the spirit that encompasses, the Sun that paints the landscape every morning. There is some-

thing different about Arizona, and I am proud of that difference. We are a special people with a distinctive place in the American mosaic.

I offer my congratulations to our Governor Jan Brewer, to my Arizona colleagues in the House and Senate, and to my constituents throughout our State on this historic centennial anniversary.

I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, it is my distinct privilege to join with my beloved friend JON KYL to speak in honor of the centennial anniversary of Arizona statehood. One hundred years ago, on February 14, 1912, the State of Arizona was officially admitted to the Union, effectively completing the contiguous lower 48 States. Americans today recognize Arizona as the thriving center of the Sunbelt, known for its ability to attract businesses, manufacturing, and tourists from around the world. The Valley of the Sun alone supports about 4 million people, and our State capital—Phoenix—is the Nation's sixth largest city.

Compared to its humble beginnings, Arizona has enjoyed tremendous growth and productivity, but this was not always so. Arizona's history began over 10,000 years ago with the migration of early Native American tribes to the region. For centuries, the Anasazi, Hohokam, and other peoples flourished in the forested highlands and Sonoran Desert lowlands. Many of the Indian tribes in Arizona today are the proud descendants of those ancient peoples.

It was not until 1528, with the arrival of Spanish missionaries and conquistadors in the towns of Tubac and Tucson, that the land and people were first reshaped. Spanish colonization eventually gave way to Mexican independence in 1821.

In 1848 the Mexican-American War concluded, with Mexico ceding much of Arizona to the United States.

In 1853 President Franklin Pierce saw an opportunity to build a transcontinental railroad connecting the South with southern California and purchased the remaining bottom half of the Arizona Territory from Mexico for \$10 million—what today would be the equivalent of \$244 million. It was around this time that American pioneers began to settle the towns of Prescott, Flagstaff, picturesque Sedona and Yuma, the gateway to gold-rich California.

During the Civil War, Arizona became a short-lived strategic interest

for the Confederacy. The war's western-most battle was fought in Arizona at Picacho Peak, about 50 miles north of Tucson. It reportedly lasted 90 minutes and involved about 25 soldiers.

In the years that followed, cattlemen and mining speculators flocked to develop Arizona's natural resources in towns such as Tombstone, Bisbee, Show Low, and St. John's, the birthplace of our late and beloved Morris Udall. The boundaries of the State soon began to take shape thanks to explorers such as John Wesley Powell, whose famous 3-month expedition down the mighty Colorado charted the first known passage through the Grand Canyon.

Efforts in Congress to pass statehood began around the turn of the 20th century. One proposal sought to combine the territories of Arizona and New Mexico into one massive State. But Arizona settlers would have none of it, and it is unlikely that the people of New Mexico were all too excited about the plan either.

At the time, many outsiders did not fully appreciate Arizona's untapped potential. They considered it nothing more than a desert wasteland, economically desolate and virtually uninhabitable. One of Arizona's first territorial representatives, Henry Ashurst, is known to have risen in Congress to argue that "all that Arizona needs to flourish is good people and water," to which an east coast Member supposedly retorted, "You could say the same about hell."

Arizonans eventually succeeded in convincing Congress to grant statehood. This was partially due to the construction of the Theodore Roosevelt Dam in 1903, as part of the Salt River project in Phoenix, one of the Nation's first Federal reclamation projects. The Roosevelt Dam channeled lifegiving water from the Salt River into a series of irrigation canals that overlay a canal network dug by the Hohokam Indians more than 1,000 years prior. Fueled by irrigation water and hydroelectric power, the small community of Phoenix, which started as a cavalry hay camp at Fort McDowell, began its rise to national prominence.

My predecessor in the Senate, the late Senator Barry Goldwater, is among Arizona's most celebrated statesmen, having served five terms in this body. He was born in Phoenix when Arizona was still a territory and witnessed remarkable changes to the Grand Canyon State throughout his lifetime.

The Smithsonian magazine recently republished an op-ed Goldwater wrote in 1962 called "Arizona's Next Fifty years" where he imagines what Arizona would look like by 2012. Keep in mind that Arizona had barely 1 million people living across the entire State in the 1960s. Modern air-conditioning technology was relatively new, and the 1,500 miles of interstate crisscrossing the State today was still on the drawing board. Yet Goldwater correctly pre-

dicted a rapid population growth, comparing Phoenix to other major U.S. cities. I would like to share some of his predictions. He wrote:

It will be the deserts that will support the majority of the new homes. Phoenix will have a population of about three million and Tucson will grow to about one and one-half million. Phoenix and Tucson will remain the two largest cities in the state, with Phoenix being either the fourth or sixth largest city in the United States. The growth of Glendale, Peoria and Avondale will parallel that of Phoenix proper, so that 50 years from now, all of these cities will be contiguous with each other and with Phoenix, and will form a city complex not unlike the present city of Los Angeles.

Anyone who has flown into Phoenix Sky Harbor International Airport can see from the sky, day or night, the infinite grid-like layout of the metro Phoenix area. Senator Goldwater understood that this kind of development would fundamentally alter how Arizonans relate to the desert, writing:

The man of 2012 would not be able to walk from his doorstep into this pastel paradise with its saguaro, the mesquite, the leap of a jackrabbit . . . or the smell of freshly wet greasewood, because people will have transgressed on the desert for homesites to accommodate a population of slightly over 10 million people. The forests will be protected, as well as our parks and monuments. But even they will have as neighbors the people who today enjoy hardships to visit them.

Despite the challenges of increased demand on our natural resources, Senator Goldwater correctly believed that the State would mature into a modern, industrious economy with global connections. He said:

Arizona's principal economic growth will be in the industrial field, with emphasis being on items of a technological nature. It will not be many years before industry will become an important part of the economies of most Arizona cities, whereas today it is more or less confined to a few. Arizona will continue to be the haven for people who seek an outlet for initiative and a reward for work. The frontier challenges will exist then as they do today, for man's progress never stops unless man stops it. Fortunately for our State, our men have always and will always want to go forward, not backward.

So what is Arizona today? Arizona's open skies and fair climate offer the U.S. military an ideal training environment for our soldiers and high-tech combat systems. Luke Air Force Base outside of Phoenix will be home to the F-35 fighter jet, the most advanced fighter in the world. The U.S. Army Intelligence Center is located at Fort Huachuca in southern Arizona, where UAV training serves a unique and irreplaceable national security mission. Davis-Monthan Air Force Base near Tucson, the Nation's premier A-10 Warthog base, hosts an array of special operations aircraft and will hopefully continue to grow in support of our military's drone fleet. Across the highway, Arizonans in the Air National Guard fly the newest F-16s to train foreign pilots from over 20 countries, and virtually every Marine Corps fixed-wing squadron that participated in Operations Desert Shield and Desert

Storm underwent predeployment training at Yuma Marine Corps Station. Arizona is also home to nearly 600,000 veterans, many of whom have returned to their families and loved ones from Iraq and Afghanistan.

More copper is mined in Arizona than all of the other States combined, and the Morenci Mine is the largest copper producer in all of North America.

Two of the country's largest man-made lakes are in Arizona, Lake Powell and Lake Mead—the result of Hoover Dam—which supply drinking water to over 25 million people in Arizona, Nevada, and California.

Yuma, AZ, an agricultural powerhouse, produces about 90 percent of the country's winter vegetables. The lettuce in your salad this month almost certainly came from Arizona.

We operate the Palo Verde Nuclear Generating Station, located about 55 miles west of Phoenix, which generates more electricity than any other powerplant in the Nation.

It is home to three major State universities: Arizona State University, the University of Arizona, and Northern Arizona University, with an undergraduate and graduate population of over 130,000.

Arizona is a leader in manufacturing information, medical, and defense technologies. We are headquarters to TGen, the Translational Genomics Research Institute, which conducts cutting-edge genetic research with the goal of curing Alzheimer's, autism, Parkinson's, and numerous forms of cancer.

We support critical scientific endeavors to discover our place in the universe: Arizona's unique landscapes, such as Meteor Crater and the Painted Desert, once played a key role in the NASA Apollo training missions. The world's largest solar telescope is located at Kitt Peak National Observatory in Sells, AZ. The University of Arizona is actively involved in the Cassini, Mars Lander, and Mars Rover missions, as well as NASA's Osiris-Rex mission, which will be the first spacecraft to land on an asteroid and return a sample to Earth.

It is also believed that the chimichanga has its origins in Arizona, although its exact hometown is still a matter of vigorous historical debate among locals.

I am immensely proud of Arizona's rich history, and I am humbled to represent a State that has earned a special place in the American consciousness. Even when I travel overseas, it is seldom I meet an individual who doesn't know where the Grand Canyon is or isn't captivated by the tales of the Old West or doesn't admire the rugged individualism of Arizona's frontiersmen. I cannot presume to exercise the kind of predictive abilities that Senator Goldwater displayed in his article. All I can say is that Arizona's future is perhaps best prophesized by reflecting on our legacy—judging our achievements against our intrepid beginnings. For as

long as Arizona stays true to the pioneer spirit, I believe her best days are yet to come.

If I might ask the indulgence to read a short piece that I put in a forward to a book by Lisa Schnebly Heidinger, "Arizona: 100 Years Grand," the official book of Arizona's Centennial:

Near the end of his life, Barry Goldwater tried to describe to an interviewer his affection for Arizona. He started to identify some of the many natural wonders so beloved by Arizonans when he became emotional. 'Arizona,' he proclaimed, 'is 113,400 square miles of heaven that God cut out.' Fighting back tears, and unable to continue at length, he managed only to add, 'I love it so much.'

For much of my life I had been rootless. My father was a naval officer and my childhood was an itinerant one as we moved from one base to another more times than I can enumerate. Following in his footsteps, I, too, made my home in the United States Navy, and the only place I lived for more than a year or two was an unexpectedly lengthy stay in a foreign country that would not let me leave and would have preferred I had never come.

Except for that period of involuntary residence, I had always lived my life on the move, part of a tradition that compensated me in other ways for the hometown it denied me. I had no connection to one place; no safe harbor where I could rest without care. Landscapes and characters all passed too quickly to form the attachments of shared history and love that calm your heart when age finally cages your restlessness.

I was nearly forty-five years old before I could claim a hometown. My ambitions brought me to Arizona, and my work keeps me away from here for more than half my time. But Arizona has given me a home, and in the thirty years that have passed since I moved here, it has worked its magic on me and enchanted me and claimed me.

In those thirty years I've been to almost every community that Arizonans carved from the wilderness and made thrive: places that have never stopped growing; and places where opportunities were exhausted and were abandoned to history; and places that rose and declined and were re-imagined and made to prosper again by the hard working, self starting dreamers Arizona attracts in such large numbers. I've marveled at the resourcefulness and vision of generations of Arizonans in Yuma and Page, Jerome and Kingman, Bisbee and Flagstaff, who knew success and failure, who struggled, achieved, lost and struggled again to build from their freedom and opportunities in the challenging and beautiful places that had won their hearts, strong, prospering and decent communities.

At the end of every election, I've stood on the courthouse steps in Prescott, our old territorial capital, and thought of the pioneering families whose names still resonate in contemporary public affairs like Udall and Goldwater. I look at the Bucky O'Neill monument, that memorial to the Rough Riders of whom he was among the roughest and bravest, and remember the names of Arizonans, of every station and walk of life, who risked everything so that the freedom Arizonans cherish so dearly and make such good use of would be birthright of all; names like Frank Luke and Ira Hayes, Lori Piestewa and Pat Tillman.

I've experienced every scene of spectacular beauty this blessed, bountiful, beautiful state possesses. I've hiked Canyon de Chelly, Chiricahua, and rim to rim in the greatest of our natural wonders, the Grand Canyon. I've rafted down the Colorado. I've walked the

trails of Saguaro National Park; been struck mute by the awe-inspiring landscape of Monument Valley; and spent countless happy hours following hidden paths in our wilderness areas. I've houseboated on Lake Powell. Many times, I've driven through the desert in spring after a wet winter and felt myself become emotional as I marveled at the profusion of vivid colors, the mesmerizing beauty of desert wildflowers in bloom.

We have a home between Cottonwood and Sedona, to where my family escapes whenever we have the chance. It's on a bend of Oak Creek, surrounded by hills, a ghost ranch and Indian caves, adorned by fruit orchards and roses, and shaded by tall cottonwoods and sycamores. So many species of birds make their home there I have lost count of them. Common black hawks return annually to their nest in the sycamore beneath which I drink my morning coffee and give thanks for the blessing of living in such natural splendor. I have never in my life loved a place more. And when my public life is over, I will spend the remainder of my days there giving thanks, and enjoying the happiness of belonging to someplace so beautiful, smaller and more intimate than a nation that spans a continent.

The State of Arizona is approaching its centennial. A hundred years of audacious and difficult undertakings, of dreams won and lost and sought again, of progress and struggle and resilience. It's a rough and tumble history; colorful, heroic, bold and inspiring, like the character of the people who made it. You'll see it celebrated appropriately in this splendid book. And you'll glimpse the future that today's Arizonans, the dreamers and risk takers, lovers of freedom, captivated by the stunning landscapes and resilient, enterprising communities that have worked their magic on them, will build. It will be a future worthy of our predecessors' achievements and legacies; a future of adversity overcome and opportunities for all. We will change, as all places do. Others will come, as I once came, to make a new home or find the only home they ever really had in towns and cities and rural communities that will be better for their presence and contributions. They will face the challenges of their time and experience unexpected setbacks but they will stick with it, work harder, dream bigger and prevail. And a hundred years from now, their history, character and accomplishments will inspire their fortunate descendants and the newcomers who will come here to live in beauty and make the most of their lives.

We will change, but the values and beauty we treasure will remain intact. Arizona is 113,400 square miles of heaven that God cut out and Arizonans mean to keep it so. We love it that much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

(The remarks of Mr. LIEBERMAN, Ms. COLLINS, and Mr. ROCKEFELLER pertaining to the introduction of S. 2105 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, Republican Senators delayed a final vote on the nomination of Judge Adalberto Jordan of Florida even though the Senate voted 89-5 last night to end a Republican filibuster that has already prevented a vote for 4 months. This is a consensus nominee who Senator NELSON has been strongly supporting and

who Senator RUBIO also supports. He should have been confirmed 4 months ago. He should have been confirmed last night after the overwhelming cloture vote. Instead, obstruction needlessly delayed the Senate acting to fill the emergency judicial vacancy on the Eleventh Circuit.

Senator NELSON has worked hard for this nomination, working to get Judge Jordan's nomination cleared by every Democratic Senator in October immediately after it was reported unanimously by the Judiciary Committee. We were ready to vote in October. We were ready to vote in November. We were ready to vote before the end of the last session of Congress in December. It is hard to believe that it is now the middle of February, over 4 months after Judge Jordan's nomination was reported with the support of every Democrat and every Republican on the Judiciary Committee, and the Senate still has not voted to fill this judicial emergency vacancy affecting the people of Florida, Georgia and Alabama. I appreciate why Senator NELSON is frustrated. I understand why Hispanics for a Fair Judiciary and the Hispanic National Bar Association are, too.

Let me refer to some of the reporting on this. One post begins:

So, here's the absurdity of our judicial confirmation process—the full Senate voted 89-5 to invoke cloture, meaning that Judge Jordan's nomination to the 11th Circuit would finally come to a vote. But then Senator NELSON said that one Senator is holding up the merits vote by demanding 30 more hours of 'debate' post-cloture. Senators LEAHY and BOXER both then commented how ridiculous such a request was, but that's the way it is. It looks like we'll have [to] wait another 30 hours for Judge Jordan to move up to the 11th. Silliness in our Congress . . .

The article in the South Florida Sun-Sentinel reports:

South Florida lawyers praise him. Both of Florida's U.S. senators have recommended him. And the Senate Judiciary Committee voted unanimously to approve his nomination.

But U.S. District Judge Adalberto Jordan of South Florida has been blocked for four months from rising to the 11th Circuit Court of Appeals, the latest sign of a polarized and dysfunctional Senate.

A Senate filibuster that has kept Jordan waiting and the appellate court undermanned fizzled on Monday when the Senate voted 89-5 to move toward a final confirmation vote.

But Jordan is still waiting because one senator . . . objected to attempts to complete action on Monday . . .

I have not heard from any Republican Senators objecting to this Judge explaining what they find wrong with this highly-qualified Cuban American. I am at a loss as to why Republican Senators continue to delay a vote on this outstanding nominee. This nominee is beyond reproach. This is another nomination battle that has nothing to do with the nominee and his qualifications. This is another example of obstruction based on a collateral objective. The people of Florida, Georgia and Alabama should not be made to suffer a judicial emergency vacancy

when this highly-qualified nominee should be confirmed without further delay. Nor did anyone come forward to explain the Senate Republicans' delay for the last 4 months. Cloture has been invoked by the Senate and the filibuster will be ended. There was no good reason to continue to hold up a vote that has already been delayed for 4 months.

When I first became chairman of the Judiciary Committee in 2001, I followed a time when Senate Republicans, who had been in the majority, had pocket filibustered more than 60 of President Clinton's judicial nominations, blocking them with secret holds in backrooms and cloakrooms, obstructing more with winks and nods, but with little to no public explanation or accountability. I worked hard to change that and to open up the process. I sought to bring daylight to the process by making the consultation with home State Senators public so that the Senate Republicans' abuses during the Clinton years would not be repeated.

When Senate Democrats opposed some of President Bush's most ideological nominees, we did so openly, saying why we opposed them. And when there were consensus nominees—nominees with the support of both Democrats and Republicans—we moved them quickly so they could begin serving the American people. That is how we reduced vacancies in the Presidential election years of 2004 and 2008 to the lowest levels in decades. That is how we confirmed 205 of President Bush's judicial nominees in his first term.

Now we see the reverse of how we treated President Bush's nominees. Senate Republicans do not move quickly to consider consensus nominees, like the 15 still on the Senate calendar that were reported unanimously last year and should have had a Senate vote last year. Instead, as we are seeing today and have seen all too often, Senate Republicans obstruct and delay even consensus nominees, leaving us 45 judicial nominees behind the pace we set for confirming President Bush's judicial nominees. That is why vacancies remain so high, at 86, over 3 years into President Obama's first term. Vacancies are nearly double what they were at this point in President Bush's third year. That is why half of all Americans—nearly 160 million—live in circuits or districts with a judicial vacancy that could have a judge if Senate Republicans would only consent to vote on judicial nominees that have been favorably voted on by the Senate Judiciary Committee and have been on the Senate executive calendar since last year.

This is an area where we should be working for the American people, and putting their needs first. This is a nomination that has the strong and committed support of the senior Senator from Florida, Senator NELSON, as well as that of Senator RUBIO, Florida's Republican Senator. Judge Jordan had the unanimous support of every Repub-

lican and every Democrat on the Judiciary Committee when we voted last October, although one Republican switched his vote last night to support the filibuster of Judge Jordan's nomination. This is the nomination of a judge, Judge Jordan, who was confirmed to the district court by a vote of 93 to one in 1999, even while Senate Republicans were pocket filibustering more than 60 of President Clinton's judicial nominees.

I regret that Republican Senators chose to delay a final vote on Judge Jordan's confirmation. He is a fine man who, after emigrating from Havana, Cuba at the age of 6 went on to graduate summa cum laude from the University of Miami law school and clerk for Justice Sandra Day O'Connor on the U.S. Supreme Court. He served as Federal prosecutor and Federal judge. The needless delay of Judge Jordan's confirmation is an example of the harmful tactics that have all but paralyzed the Senate confirmation process and are damaging our Federal courts.

It should not take 4 months and require a cloture motion to proceed to a nomination such as that of Judge Jordan to fill a judicial emergency vacancy on the Eleventh Circuit. It should not take more months and more cloture motions before the Senate finally votes on the nearly 20 other superbly-qualified judicial nominees who have been stalled by Senate Republicans for months while vacancies continue to plague our Federal courts and delay justice for the American people. The American people need and deserve Federal courts ready to serve them, not empty benches and long delays.

#### SURFACE TRANSPORTATION ACT

Mr. LEAHY. Mr. President, I want to respond briefly to comments of the junior Senator from Kentucky earlier today regarding his amendment to cut off all U.S. aid for Egypt.

First, let's take a step back. The new conditions on military aid for Egypt, which I wrote with Senator LINDSEY GRAHAM and were signed into law just 2 months ago, require a certification by the Secretary of State that the Egyptian military is supporting the transition to civilian government and protecting fundamental freedoms and due process. If the crisis involving the non-governmental organizations whose offices were raided and are now facing criminal charges is not resolved satisfactorily, there is no way the certification can be made and Egypt will not receive \$1.3 billion in U.S. military aid. But the Leahy-Graham conditions give the Administration flexibility to respond to this crisis. If we take a leap into the lurch and adopt the Paul Amendment, we risk causing a backlash and the opposite reaction of what we want.

It is ironic that the junior Senator from Kentucky, who is now insisting on a vote on his amendment to cut off all aid—not just military aid but also

economic aid—did not even vote for the Omnibus bill that contained the Leahy-Graham certification requirement. For him it is all or nothing, but the real world is not so black and white.

No one disagrees with the goals of the Paul Amendment. Its purpose is no different than the Leahy-Graham provision in current law that has caused the suspension of military aid. We are all outraged by the crackdown against the NGOs. We want the charges dropped and their property returned so they can resume their pro-democracy work. But the scope of the Paul Amendment is so sweeping that it could backfire and make the situation immeasurably worse: The amendment cuts off all U.S. aid to Egypt—current and prior year—including hundreds of millions of dollars in economic aid and funding for anti-terrorism and non-proliferation programs. Aid that supports the Government of Egypt's ability to interdict arms shipments to Gaza would be cut off.

There is much at stake: the fate of the 19 American citizens facing criminal charges in Egypt; Egypt's continued adherence to the Israeli-Egyptian Peace Agreement could be jeopardized; over-flights for U.S. military aircraft; access to the Suez Canal; and the potential for further crackdowns against Egyptian civil society organizations.

If the Administration were ignoring the certification requirement in current law I might vote for this amendment, but they are not. In fact, the NGOs have repeatedly praised the Administration's efforts on their behalf. They have applauded the new leverage provided by the Leahy-Graham conditions. Both the State Department and the Pentagon are intensely focused on trying to resolve this. General Dempsey was just in Egypt meeting with top military officials about it.

If, over the coming days or weeks the situation continues to deteriorate, we can revisit this. But I would urge the junior Senator from Kentucky to withdraw his amendment until such time and to refrain from obstructing other business of the Senate. Let us see how things play out. Hopefully cooler heads will prevail. The Egyptian military will recognize that these NGOs were doing nothing more than supporting the transition to democracy in an appropriate and transparent manner, and the Egyptian military will agree that it is in Egypt's best interest to preserve close relations with the United States.

I see other Senators on the floor, so I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Alabama.

#### THE BUDGET

Mr. SESSIONS. Mr. President, this morning we had the Budget Committee hearing and the testimony of Mr. Zients, OMB Director, who works for the President and prepared, under the President's direction, the budget they submitted to Congress for the United States for fiscal year 2013 beginning